

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MAERSK OIL TRADING INC.,	)	CASE NO. 5:23-CV-00951
	)	
Plaintiff,	)	
	)	JUDGE JOHN R. ADAMS
v.	)	
	)	<u>ORDER</u>
B&G FUTURES INC., et al.,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court on Plaintiff’s unopposed motion to excuse its party representative’s physical appearance at the November 30, 2023 case management conference. Doc. 22. Plaintiff asserts in part that because the final co-defendant Chirag Vyas has been “evading service[,]” ...“any significant proceeding on the merits, creation of a discovery schedule, or settlement discussions should be held in abeyance until such time as Mr. Vyas is served.” Doc. 22, p. 1.

The complaint in this action was filed on May 10, 2023 Fed. R. Civ. P. 4(m) requires the plaintiff to serve the summons and complaint upon the defendant within 90 days after the complaint is filed. Pursuant to the docket, it does not appear that Plaintiff even attempted to serve Mr. Vyas until August 24, 2023 (Doc. 12), well past the 90 days provided by the rule.

By rule, service should have been completed prior to the date of this order. If service has not been completed, Plaintiff shall file an affidavit explaining why service was not completed within the time required by Rule 4(m). The affidavit shall be filed by no later than noon on December 6, 2023. Failure to file the affidavit will result in dismissal of Mr. Vyas for want of prosecution.

The CMC scheduled for November 30, 2023 at 2:30 will be continued to December 18, 2023 at 2:30. The CMC will be held **in person**, with no further continuances granted.

IT IS SO ORDERED.

November 29, 2023

Date

/s/ John R. Adams

John R. Adams

U.S. District Judge